



General Assembly

January Session, 2013

Raised Bill No. 6689

LCO No. 5127



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING BAIL BONDS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 38a-660c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) A surety bail bond agent may enter into a premium financing
4 arrangement with a principal or any indemnitor in which such agent
5 extends credit to such principal or indemnitor.

6 (b) If a surety bail bond agent enters into a premium financing
7 arrangement, such agent shall require (1) the principal on the bail bond
8 or any indemnitor to make a minimum down payment of thirty-five
9 per cent of the premium due, at the premium rate approved by the
10 commissioner pursuant to chapter 701, and (2) the principal and any
11 indemnitor to execute a promissory note for the balance of the
12 premium due. [Such promissory note shall provide that such balance
13 shall be paid not later than fifteen months after the date of the
14 execution of the bail bond. If such balance has not been paid in full to
15 the surety bail bond agent by the due date or a payment due under

16 such arrangement is more than sixty days in arrears, such agent shall
17 file a civil action seeking appropriate relief with the court not later
18 than seventy-five days after such due date. The surety bail bond agent
19 shall make a diligent effort to obtain judgment after filing such
20 complaint on such promissory note unless good cause is shown for
21 failure to obtain judgment, including, but not limited to, the filing for
22 bankruptcy by the principal or the indemnitor or failure to serve
23 process despite good faith efforts.]

24 Sec. 2. Section 54-65 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective October 1, 2013*):

26 (a) Any surety in a recognizance in criminal proceedings, who
27 believes that [his] such surety's principal intends to abscond, shall
28 apply to a judge of the Superior Court, produce [his] such surety's bail
29 bond or evidence of [his] being a surety, and verify the reason of [his]
30 such surety's application by oath or otherwise. Thereupon, the judge
31 shall immediately grant a mittimus, directed to a proper officer or
32 indifferent person, commanding [him] such officer or person
33 immediately to arrest the principal and commit [him] the principal to a
34 community correctional center. The Community Correctional Center
35 Administrator shall receive and retain the principal [and retain him] in
36 a community correctional center until discharged by due order of law.
37 The surrender of the principal shall be a full discharge of the surety
38 upon [his] such surety's bond or recognizance.

39 (b) Any surety in a recognizance in criminal proceedings shall be
40 released from a bond if a principal absconds, and: (1) At the time such
41 bond was executed, the state's attorney prosecuting the case was in
42 possession of information about known aliases used by the principal;
43 (2) a National Crime Information Center report on the principal in the
44 possession of such attorney includes any information that
45 demonstrates an increased risk that the principal will abscond; or (3)
46 there was any administrative error in processing the arrest of the
47 principal that materially affected the release of the principal or the

48 amount of the bond executed for the principal.

49 Sec. 3. Section 54-65a of the general statutes is repealed and the
50 following is substituted in lieu thereof (*Effective October 1, 2013*):

51 (a) (1) Whenever an arrested person is released upon the execution
52 of a bond with surety in an amount of five hundred dollars or more
53 and such bond is ordered forfeited because the principal failed to
54 appear in court as conditioned in such bond, the court shall, at the time
55 of ordering the bond forfeited: [(1)] (A) Issue a rearrest warrant or a
56 capias directing a proper officer to take the defendant into custody,
57 [(2)] (B) provide written notice to the surety on the bond that the
58 principal has failed to appear in court as conditioned in such bond,
59 except that if the surety on the bond is an insurer, as defined in section
60 38a-660, the court shall provide such notice to such insurer and not to
61 the surety bail bond agent, as defined in section 38a-660, and [(3)] (C)
62 order a stay of execution upon the forfeiture for six months. The court
63 may, in its discretion and for good cause, extend such stay of
64 execution. A stay of execution shall not prevent the issuance of a
65 rearrest warrant or a capias.

66 (2) When the principal whose bond has been forfeited is returned to
67 custody pursuant to the rearrest warrant or a capias within six months
68 of the date such bond was ordered forfeited or, if a stay of execution
69 was extended, within the time period inclusive of such extension of the
70 date such bond was ordered forfeited, the bond shall be automatically
71 terminated and the surety released and the court shall order new
72 conditions of release for the defendant in accordance with section
73 54-64a.

74 (3) When the principal whose bond has been forfeited returns to
75 court voluntarily within five business days [of] after the date such
76 bond was ordered forfeited, the court may, in its discretion, and after
77 finding that the defendant's failure to appear was not wilful, vacate the
78 forfeiture order and reinstate the bond. [Such stay of execution shall

79 not prevent the issuance of a rearrest warrant or a capias.]

80 (4) When the accused person whose bond has been forfeited returns
81 to court voluntarily more than five business days after the date such
82 bond was ordered forfeited, the court shall vacate any rearrest warrant
83 or capias issued for such accused person, the bond shall be
84 automatically terminated and the surety released and the court shall
85 order new conditions of release for the defendant in accordance with
86 section 54-64a.

87 (b) Whenever an arrested person, whose bond has been forfeited, is
88 returned to the jurisdiction of the court within one year of the date
89 such bond was ordered forfeited, the surety on such bond shall be
90 entitled to a rebate of that portion of the forfeited amount as may be
91 fixed by the court or as may be established by a schedule adopted by
92 rule of the judges of the court.

93 Sec. 4. Section 54-66 of the general statutes is repealed and the
94 following is substituted in lieu thereof (*Effective October 1, 2013*):

95 (a) (1) In any criminal case in which a bond is allowable or required
96 and the amount thereof has been determined, the accused person, or
97 any person [in] on the accused person's behalf, [(1)] (A) may deposit,
98 with the clerk of the court having jurisdiction of the offense with which
99 the accused stands charged or any assistant clerk of such court who is
100 bonded in the same manner as the clerk or any person or officer
101 authorized to accept bail, a sum of money equal to the amount called
102 for by such bond, or [(2)] (B) may pledge real property, the equity of
103 which is equal to the amount called for by such bond, provided the
104 person pledging such property is the owner of such property, and such
105 accused person shall thereupon be admitted to bail.

106 (2) When cash bail is offered, such bond shall be executed and the
107 money shall be received in lieu of a surety or sureties upon such bond.
108 Such cash bail shall be retained by the clerk of such court until a final
109 order of the court disposing of the same is passed; provided, if such

110 bond is forfeited, the clerk of such court shall pay the money to the
111 payee named therein, according to the terms and conditions of the
112 bond. When cash bail in excess of ten thousand dollars is received for a
113 person accused of a felony, where the underlying facts and
114 circumstances of the felony involve the use, attempted use or
115 threatened use of physical force against another person, the clerk of
116 such court shall prepare a report that contains (A) the name, address
117 and taxpayer identification number of the accused person, (B) the
118 name, address and taxpayer identification number of each person
119 offering the cash bail, other than a person licensed as a professional
120 bondsman under chapter 533 or a surety bail bond agent under
121 chapter 700f, (C) the amount of cash received, and (D) the date the cash
122 was received. Not later than fifteen days after receipt of such cash bail,
123 the clerk of such court shall file the report with the Department of
124 Revenue Services and mail a copy of the report to the state's attorney
125 for the judicial district in which the court is located and to each person
126 offering the cash bail.

127 [(b)] (3) When real property is pledged, the pledge shall constitute a
128 lien on the real property upon the filing of a notice of lien in the office
129 of the town clerk of the town in which the real property is located. The
130 lien shall be in an amount equal to the bond set by the court. The
131 notice of lien shall be on a form prescribed by the Office of the Chief
132 Court Administrator. Upon order of forfeiture of the underlying bond,
133 the state's attorney for the judicial district in which the forfeiture is
134 ordered shall refer the matter to the Attorney General and the
135 Attorney General may, on behalf of the state, foreclose such lien in the
136 same manner as a mortgage. The lien created by this subsection shall
137 expire six years after the forfeiture is ordered unless the Attorney
138 General commences an action to foreclose it within that period of time
139 and records a notice of lis pendens in evidence thereof on the land
140 records of the town in which the real property is located. If the bond
141 has not been ordered forfeited, the clerk of the court shall authorize the
142 recording of a release of such lien upon final disposition of the

143 criminal matter or upon order of the court. The release shall be on a
144 form prescribed by the Office of the Chief Court Administrator.

145 [(c)] (b) (A) Whenever an accused person is released upon the
146 deposit by a person on behalf of the accused person of a sum of money
147 equal to the amount called for by such bond or upon the pledge by a
148 person on behalf of the accused person of real property, the equity of
149 which is equal to the amount called for by such bond, and such bond is
150 ordered forfeited because the accused person failed to appear in court
151 as conditioned in such bond, the court shall, at the time of ordering the
152 bond forfeited: [(1)] (i) Issue a rearrest warrant or a capias directing a
153 proper officer to take the accused person into custody, [(2)] (ii) provide
154 written notice to the person who offered cash bail or pledged real
155 property on behalf of the accused person that the accused person has
156 failed to appear in court as conditioned in such bond, and [(3)] (iii)
157 order a stay of execution upon the forfeiture for six months. The court
158 may, in its discretion and for good cause, extend such stay of
159 execution. A stay of execution shall not prevent the issuance of a
160 rearrest warrant or a capias.

161 (B) When the accused person whose bond has been forfeited is
162 returned to custody pursuant to the rearrest warrant or a capias within
163 six months of the date such bond was ordered forfeited or, if a stay of
164 execution was extended, within the time period inclusive of such
165 extension of the date such bond was ordered forfeited, the bond shall
166 be automatically terminated and the person who offered cash bail or
167 pledged real property on behalf of the accused person shall be released
168 from such obligation and the court shall order new conditions of
169 release for the accused person in accordance with section 54-64a.

170 (C) When the accused person whose bond has been forfeited returns
171 to court voluntarily within five business days of the date such bond
172 was ordered forfeited, the court may, in its discretion, and after finding
173 that the accused person's failure to appear was not wilful, vacate the
174 forfeiture order and reinstate the bond. [Such stay of execution shall

175 not prevent the issuance of a rearrest warrant or a capias.]

176 Sec. 5. Section 54-65c of the general statutes is repealed and the
177 following is substituted in lieu thereof (*Effective October 1, 2013*):

178 A court shall vacate an order forfeiting a bail bond and release the
179 professional bondsman, as defined in section 29-144, or the surety bail
180 bond agent and the insurer, as both terms are defined in section 38a-
181 660, if (1) the principal on the bail bond (A) is detained or incarcerated
182 (i) in another state, territory or country, or (ii) by a federal agency, or
183 (B) has been removed by United States Immigration and Customs
184 Enforcement, and (2) the professional bondsman, the surety bail bond
185 agent or the insurer provides proof of such detention, [or]
186 incarceration or removal to the court and the state's attorney
187 prosecuting the case. [and (3) the state's attorney prosecuting the case
188 declines to seek extradition of the principal.]

189 Sec. 6. Section 54-66a of the general statutes is repealed and the
190 following is substituted in lieu thereof (*Effective October 1, 2013*):

191 Any bail bond posted in any criminal proceeding in this state shall
192 be automatically terminated and released whenever the defendant: (1)
193 Is granted accelerated rehabilitation pursuant to section 54-56e; (2) is
194 granted admission to the pretrial alcohol education program pursuant
195 to section 54-56g; (3) is granted admission to the pretrial family
196 violence education program pursuant to section 46b-38c; (4) is granted
197 admission to the community service labor program pursuant to section
198 53a-39c; (5) is granted admission to the pretrial drug education
199 program pursuant to section 54-56i; (6) has the complaint or
200 information filed against such defendant dismissed; (7) is acquitted; (8)
201 is sentenced by the court, regardless of when the term of such sentence
202 commences; (9) is granted admission to the pretrial school violence
203 prevention program pursuant to section 54-56j; (10) is charged with a
204 violation of section 29-33 and prosecution has been suspended
205 pursuant to subsection (h) of section 29-33; or (11) is granted admission

206 to the supervised diversionary program for persons with psychiatric
207 disabilities pursuant to section 54-56l.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	38a-660c
Sec. 2	<i>October 1, 2013</i>	54-65
Sec. 3	<i>October 1, 2013</i>	54-65a
Sec. 4	<i>October 1, 2013</i>	54-66
Sec. 5	<i>October 1, 2013</i>	54-65c
Sec. 6	<i>October 1, 2013</i>	54-66a

Statement of Purpose:

To modify certain statutes concerning the execution and administration of bail bonds and the regulation of surety bail bond agents.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]